

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Beer et al.

Application No.: 10/590,765

Confirmation No.: 2504

Filed: August 24, 2006

Art Unit: 1753

For: OXIDIZABLE SPECIES AS AN INTERNAL
REFERENCE FOR BIOSENSORS AND
METHOD OF USE

Examiner: Unassigned

SECOND INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents – via EFS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application and that the references be made of record therein and appear among the “References Cited” on any patent to issue therefrom.

In accordance with 37 CFR § 1.98(d), any necessary copies are enclosed. However, in accordance with the October 12, 2004 OG Notice, copies of the U.S. patent and U.S. published application references are no longer required and, thus, are not enclosed.

The applicants would like to make the Examiner aware of the following unpublished pending U.S. application that is being pursued by the assignee of the present application.

<u>Application No.</u>	<u>Date Filed</u>	<u>Inventor</u>	<u>Title</u>
12/316,133	12/10/08	Lin et al.	Control Markers For Auto-Detection Of Control Solution And Method Of Use

In accordance with 37 C.F.R. §1.98(a)(2)(iii), as modified by the October 19, 2004 OG notice, a copy of the above-referenced pending U.S. application which is stored in the USPTO's IFW system is no longer required; and hence, no copy of such application is enclosed.

In accordance with 37 CFR § 1.97(g), the filing of this Second Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. In accordance with 37 CFR § 1.97(h), the filing of this Second Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is or is considered to be "prior art" with respect to the present application or material to patentability as defined in 37 CFR § 1.56.

This Second Information Disclosure Statement is being filed prior to receipt of a first Office Action reflecting an examination on the merits and, hence, is believed to be timely in accordance with 37 C.F.R. § 1.97(b). Accordingly, no fees are believed to be due in connection with the filing of this Second Information Disclosure Statement. However, should any fees be deemed necessary (except payment of the issue fee), the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Nixon Peabody Deposit Account No. 50-4181 under Order No. 247082-000168USPX.

Dated: March 6, 2009

Respectfully submitted,

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